30th October 1931] [Mr. Sami Venkatachalam Chetti]

being executed. There was only one case which went up to the High Court and it seems that one Honourable Judge of the High Court commented upon the lack of statutory presumptive evidence against the accused by the mere reason that certain articles used for the purpose of gaming were found in a gaming house. I beg to submit, Sir, that the opinion of the Honourable the Judge of the High Court, however important it might be, should not be taken as a reason for trying to take away one of the opportunities for the accused persons to defend themselves against any false or misinformed charges against them. There must be much more evidence collected in order to justify the Government before they go to the Council seeking to alter the existing Act. I have no doubt that lawyer members of this Council will throw great light upon the necessity of retaining the Act as it is without introducing the very drastic amendment which the hon. the Home Member wants to introduce by means of this Bill. I therefore beg, Sir, that this House might agree to the motion I make, namely, that this Bill be referred to a select committee consisting of—

(1) Rao Bahadur C. Natesa Mudaliyar.
(2) Mr. R. Madanagopal Nayudu.
(3) Mr. T. Sundara Rao Nayudu.
(4) Mr. H. M. Jagannatham.
(5) Mr. C. Basu Dev.
(6) Rao Sahib P. Subrahmanyam Chetti.
(7) The Advocate General.
(8) Mr. D. V. Narasimhaswami.
(9) Mr. W. M. Browning.
(10) S. M. K. Beyabani Sahib Bahadur.
(11) Mr. Abdul Hameed Khan.
(12) Mr. Basheer Ahmed Sayeed.
(13) Mr. M. A. Manikkavelu Nayakar.
(14) The hon. Diwan Bahadur Sir M. Krishnan Nayar.
(15) The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
(16) Myself.''

Mr. ABDUL HAMEED KHAN:—"I second it."

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I do not oppose it, Sir."

The motion was put and carried and the Bill was referred to the Select Committee, composed as above.

XI.—THE MADRAS CITY POLICE (AMENDMENT) BILL.

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"Mr. President, Sir, I beg to introduce the Madras City Police (Amendment) Bill[a] (Bill No. 22 of 1931) and move that the Bill be taken into consideration at once.

[a] Published in the *Fort St. George Gazette* on 29th September 1931.

[Sir Mahomed Usman] [30th October 1931

"Sir, sections 42 and 43 of the Madras City Police Act correspond to sections 5 and 6 of the Madras Gaming Act. So, these sections 42 and 43 should be amended for the same reason as to why sections 5 and 6 of the Madras Gaming Act are proposed to be amended, as the City Police Act applies to the City of Madras. I therefore beg to introduce the amending Bill and move that it be taken into consideration at once."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"I second it."

* Mr. SAMI VENKATACHALAM CHETTI:—"Sir, as has been explained by the hon. the Home Member, this Bill is also an amending Bill in respect of a provision in the Madras City Police Act similar to that found in the Madras Gaming Act, with an additional amendment of empowering the officer who makes the search to do so even without the issue of a warrant. While the reasons which prompted me to ask for the leave of this House to refer the Madras Gaming Bill to a Select Committee govern so far also as this Bill is concerned, there is still another reason why this Bill should be referred to a Select Committee, namely, that it seeks to empower a Police officer who goes to a house to search the house even without a warrant being issued by any officer statutorily empowered to do so. That seems to me to be a very drastic amendment and ought not to have been put before the Council. Moreover, in the Statement of Objects and Reasons it is admitted by the Government that though the Madras City Police Act was passed so early as 1888, no difficulties have so far been experienced in administering the Act. And I wonder, Sir, why in the year 1931 the Madras City Police should feel any difficulty in getting on with the City Police Act, as it is. As a matter of fact, there are many sections of the Indian Penal Code which are used for purposes other than those for which they were originally intended, the most classical instance being the extensive misuse of section 144. This Government or the Government of India have not taken any trouble to get that section amended. But simply because there was a flaw found by one of the Honourable Judges of the Madras High Court in respect of a common gaming house, it is unnecessary, Sir, to arm the Police with greater powers by empowering the searching officer to do so even without a warrant issued by a superior officer. Curiously enough, it is only in the City of Madras that the Police Commissioner enjoys the powers of a Magistrate also, which in the mufassal, the District Superintendent of Police does not exercise or possess. The Police Commissioner is also a Magistrate in the City; he is given the power of acting as a Magistrate in the issue of warrants; while he issues a warrant to a Police officer he brings to bear upon that question the Magisterial aspect of his duties, and issues the warrant on definite and justifiable considerations. That aspect is now intended to be taken away, or modified according to the present Bill. At any rate, it is necessary that this matter should be examined

properly in a Select Committee. I therefore move, Sir, that the Bill be referred to the Select Committee the names of which I have already mentioned in connexion with the previous Bill, i.e.—

(1) Rao Bahadur C. Natesa Mudaliyar.
(2) Mr. R. Madanagopal Nayudu.
(3) Mr. T. Sundara Rao Nayudu.
(4) Mr. H. M. Jagannatham.
(5) Mr. C. Basu Dev.
(6) Rao Sahib P. Subrahmanyam Chetti.
(7) The Advocate General.
(8) Mr. D. V. Narasimhaswami.
(9) The hon. Diwan Bahadur Sir M. Krishnan Nayar.
(10) Mr. W. M. Browning.
(11) S. M. K. Beyabani Sahib Bahadur.
(12) Mr. Abdul Hameed Khan.
(13) Mr. Basheer Ahmed Sayeed.
(14) Mr. M. A. Manikkavelu Nayakar.
(15) The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
(16) Myself."

Mr. Abdul Hameed Khan:—"I second it."

The hon Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"I have no objection, Sir."

The motion was put and carried and the Bill was referred to the Select Committee, composed as above.

XII.—A BILL TO AMEND THE MADRAS ELEMENTARY EDUCATION ACT, 1920.

* The hon. Diwan Bahadur S. Kumaraswami Reddiyar:—"Mr. President, Sir, I beg to introduce the Bill[a] to amend the Madras Elementary Education Act of 1920 (Bill No. 24 of 1931) and move that the Bill be referred to a Select Committee and the Committee be asked to present their report before the 3rd November 1931, the Committee to be composed of the following members:—

(1) The hon. Diwan Bahadur B. Muniswami Nayudu.
(2) Mr. R. Madanagopal Nayudu.
(3) Mr. R. M. Palat.
(4) Sriman M. G. Patnaik Mahasayo.
(5) Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
(6) Mr. N. Siva Raj.
(7) Diwan Bahadur S. Ellappa Chettiyar.
(8) Mr. B. P. Sesha Reddi.
(9) Mr. M. A. Muthiah Chettiyar.

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[a] Published in the *Fort St. George Gazette* on 20th October 1931.